

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: April 14, 2004

Opposition No. 91158375

EXXON MOBIL CORPORATION

v.

ImClone Systems Incorporated

Cindy B. Greenbaum, Interlocutory Attorney:

The March 9, 2004 Board order allowed applicant time to file the requisite fee to perfect its counterclaim.

On March 19, 2004, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant filed the proper fee.

Opposer and counterclaim defendant, Exxon Mobil Corporation, is allowed until **THIRTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In addition, applicant's consented motion (filed April 1, 2004) to extend its time to respond to opposer's motion to strike certain affirmative defenses is granted. In view thereof, applicant is allowed until April 13, 2004 to file its response to opposer's motion to strike.

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony

dates are set as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

THE PERIOD FOR DISCOVERY TO CLOSE:	8/5/04
Thirty-day testimony period for the plaintiff to close:	11/3/04
Thirty-day testimony period for the party in position of defendant and plaintiff in the counterclaim to close:	1/2/05
Thirty-day testimony period for defendant in the counterclaim, and for rebuttal testimony as plaintiff to close:	3/3/05
Fifteen-day rebuttal testimony period for plaintiff in the counterclaim to close:	4/17/05
Briefs shall be due as follows. <i>See</i> Trademark Rule 2.128(a)(2)	
Brief for plaintiff due:	6/16/05
Brief for defendant, and plaintiff in the counterclaim due:	7/16/05
Brief for defendant in the counterclaim and its reply brief (if any) as plaintiff due:	7/16/05
Reply brief (if any) for plaintiff in the counterclaim due:	7/31/05

If the parties stipulate to any extension of these dates, the papers should be filed in triplicate and should set forth the dates in the format shown in this order. See Trademark Rule 2.121(d).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.